

# **EXHIBIT A**

Excerpts of October 18, 2024, Rule 30(b)(6)  
Deposition of Common Cause NC  
Executive Director Bob Phillips

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

\* \* \*

SHAUNA WILLIAMS; et al.,  
Plaintiffs,

vs. CIVIL ACTION NO. 23-CV-1057

REPRESENTATIVE DESTIN HALL, in  
his Official Capacity as Chair  
of the House Standing Committee  
on Redistricting; et al.,

Defendant.

\* \* \*

NORTH CAROLINA STATE CONFERENCE OF  
THE NAACP; et al.,  
Plaintiffs,

vs. CIVIL ACTION NO. 23-CV-1104

PHILIP BERGER, in his official  
capacity as the President Pro  
Tempore of the North Carolina  
Senate; et al.,

Defendants.

REMOTE 30(b)(6) DEPOSITION OF BOB PHILLIPS  
OCTOBER 18, 2024

\* \* \*

1 Remote 30(b)(6) Deposition of  
2 BOB PHILLIPS, a witness herein, called by the  
3 Legislative Defendants for examination pursuant  
4 to the Rules of Civil Procedure, taken before  
5 me, Patti Stachler, RMR, CRR, a Notary Public  
6 within and for the State of Ohio, at the office  
7 of Southern Coalition for Social Justice,  
8 Durham, North Carolina, on October 18, 2024, at  
9 9:38 a.m.

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1 know that Common Cause was filing the lawsuit?

2 A. Advising them about what was going  
3 on, what we were looking at. It was more of a  
4 process of absorbing the maps that had been  
5 produced, thinking about what options we might  
6 have, talking over the possibilities of  
7 litigation, that kind of thing.

8 Q. But ultimately you did not need  
9 their authorization to file this complaint?

10 A. No.

11 Q. Okay. And beyond the advisory  
12 board, did you speak with any other members of  
13 Common Cause before filing this lawsuit?

14 A. I mean, there's people that I work  
15 with, my colleagues.

16 MS. KLEIN: Erika, can I clarify?  
17 You're asking this question in his role as a  
18 30(b)(6) witness and not his personal -- his  
19 personal capacity; is that right?

20 MS. PROUTY: That is correct.

21 MS. KLEIN: So is it fair to say that  
22 your question, when you say did you talk to, that  
23 you mean did anybody at Common Cause talk to  
24 members before about -- about this -- like the you  
25 being did Common Cause talk to members before the

1           Q.     Who was the candidate of choice of  
2     the standing member in House District 7 in the  
3     2022 US Senate race in North Carolina?

4           A.     Again, that was not a conversation  
5     that I had with any of the members that we were  
6     contacting.

7           Q.     Okay. And who was the candidate  
8     of choice of the standing member who resides in  
9     House District 7 in the 2020 presidential  
10    election?

11          A.     Ask me that again. I'm sorry.

12          Q.     Who was the candidate of choice of  
13    the standing member --

14          A.     Oh.

15          Q.     -- who resides in House District 7  
16    in the 2020 presidential election?

17          A.     Again, I don't know.

18          Q.     Okay. And if I asked you the same  
19    questions about the other Common Cause members  
20    in House District 7, would you give me the same  
21    answers?

22          A.     I would.

23          Q.     Okay. And if I asked you about  
24    the standing members in House District 8, would  
25    you give me the same answers?

1 A. Yes.

2 Q. How many members has Common Cause  
3 identified in Congressional District 5?

4 A. I don't know the number.

5 Q. And what is the name of one of the  
6 standing members who resides in Congressional  
7 District 5?

8 A. I'm not at liberty to share any  
9 names of any of the --

10 Q. And what's the -- what's the basis  
11 for your refusal to answer that question?

12 A. First Amendment.

13 Q. Okay. And so you're not willing  
14 to provide that name of the Common Cause member  
15 who resides in Congressional District 5 based  
16 on the First Amendment?

17 A. That's correct.

18 Q. Do you recall the name of that  
19 standing member in Congressional District 5?

20 A. Not here, but I have confirmed  
21 that we have an active Common Cause North -- or  
22 we had active Common Cause North Carolina  
23 members who are part of the standing members  
24 in this complaint living in Congressional  
25 District 1 -- or did you ask Congressional

1 District 5? I'm sorry. Was it 1 or 5?

2 Q. 5.

3 A. 5. Congressional District 5.

4 Q. Okay. When you say I confirmed?

5 A. I've looked at the list.

6 Q. Okay. And when did you last look  
7 at that list?

8 A. As we were filing in that  
9 discovery. I don't know that I've looked at it  
10 since then.

11 Q. And if I asked you the same  
12 question -- well, strike that.

13 Let's clarify that. The last time  
14 you looked at that, you said when you were  
15 finalizing discovery. Was that in July of  
16 2024?

17 A. That's correct.

18 Q. And you've not looked at that list  
19 since July of 2024?

20 A. No, I don't believe I have.

21 Q. And if I asked you the same  
22 questions about Congressional District 1, would  
23 you give me the same answers?

24 A. I would.

25 Q. Okay. And if I asked you to

1 identify any of the members in the districts  
2 that are listed, the districts and counties  
3 that are listed in paragraphs 9 and 10 of your  
4 affidavit, would your answer be the same?

5 A. It would be the same, yes.

6 Q. And you would refuse to answer and  
7 identify the names and addresses of all of the  
8 members who live in those districts and  
9 counties based on the First Amendment  
10 privilege?

11 A. That's correct.

12 MS. PROUTY: Okay. It might be a  
13 good place for a break.

14 THE WITNESS: We can.

15 MS. PROUTY: We can go off the  
16 record.

17 (Recess taken from 2:21 to 2:38.)

18 MS. PROUTY: We're back on the  
19 record.

20 BY MS. PROUTY:

21 Q. Mr. Phillips, if you could go to  
22 Exhibit 2. It's the complaint.

23 A. Okay. We have it up.

24 Q. Okay. And paragraph 17, it's  
25 page 7.



1           A.     We have it.

2           Q.     Okay. I'm not going to read it to  
3     you because I'm sure that you're already tired  
4     of my voice, but my count -- it lists that  
5     Common Cause has members who identify as Black  
6     or African-American, and I count six Senate  
7     Districts, I count 14 House Districts, and four  
8     Congressional Districts.

9                     Does that look right to you?

10          A.     It does.

11          Q.     Okay. And then I also count --  
12     and this isn't a memory test, but I also count  
13     20 counties. Does that sound right to you?

14          A.     That sounds correct.

15          Q.     Okay. So if we could then go to  
16     Exhibit 3 and go to interrogatory number 4 on  
17     page 13 specifically, and here I see, Plaintiff  
18     Common Cause has as of the date of this  
19     disclosure identified members who identify as  
20     Black or African-American in at least the  
21     following districts, and then I see that three  
22     Senate Districts are listed, ten House  
23     Districts are listed, and two Congressional  
24     Districts are listed.

25                     Do you agree with me there, that

1 out what their strategy would be regarding  
2 asking the majority party to hold public  
3 hearings and to, you know, adopt a criteria  
4 that is fair; those kinds of things we talked  
5 with them.

6 MS. PROUTY: I'm going to mark  
7 another exhibit. This will be Exhibit 7.

8 (Exhibit 7 was marked  
9 for identification.)

10 BY MS. PROUTY:

11 Q. Let me know when you have it  
12 available on your screen.

13 MS. KLEIN: I think we might have to  
14 like refresh or something --

15 MS. PROUTY: Yeah.

16 MS. KLEIN: -- to get it on there.  
17 All right. Yeah. We have it up.

18 BY MS. PROUTY:

19 Q. Do you recognize this document?  
20 And if you need to scroll through it --

21 A. Yeah, if I could scroll through  
22 it. You know, I did not produce that document  
23 so I can't say that, oh, I remember, you know,  
24 it. There's a lot of things that obviously I'm  
25 consuming relating to redistricting and past

1 litigation in other cases. So, in that sense,  
2 I'm familiar with it.

3 Q. Have you seen this document  
4 before?

5 A. I think I have. I don't -- I  
6 can't say that I have not seen it. It's a lot  
7 of information and, again, when this  
8 complicated process is happening, there's lots  
9 of things I'm reviewing and absorbing and  
10 reading.

11 Q. Do you know whether it was  
12 prepared by Common Cause?

13 A. It may be something that Ann or  
14 someone prepared, but I just don't know if it  
15 was us or someone else in the advocacy  
16 community and shared with us. Again, it's not  
17 that I am clueless about all this. It's just  
18 with all the things that are happening, again,  
19 sometimes I'm -- in my mind, at this moment, I  
20 guess I can't say, oh, yes, that was produced  
21 by so-and-so.

22 Q. Are you aware that Representative  
23 Harrison recently testified that she believed  
24 Common Cause may have prepared this document?

25 A. I have not -- I was not aware of,

1     you know, that testimony or whatever.

2                   MS. PROUTY:   Okay.   We can go off  
3     the record.

4                   (Recess taken from 4:01 to 4:08.)

5                   MS. PROUTY:   I don't have any further  
6     questions for the witness at this time, but as  
7     indicated earlier, we are holding the deposition  
8     open pending the Court's resolution of the NAACP  
9     plaintiffs' motion for protective order and the  
10    instructions not to answer questions today based  
11    on the First Amendment privilege.

12                   I'm also holding the deposition  
13    open in light of the fact that documents were  
14    produced less than 48 hours before the start of  
15    this deposition.   So we reserve the right to  
16    review those and ask additional questions.

17                   I'll pass to you, Hilary.

18                   MS. KLEIN:   Thanks.   We'll just make  
19    an objection to keeping it open and an objection  
20    to keeping it open due to the document disclosure,  
21    but I will say that we are willing to meet and  
22    confer on both of those issues, Erika.

23                   MS. PROUTY:   Okay.

24                   MS. KLEIN:   But we'll just object for  
25    the record.   And I'm going to go forward and ask a

1     few questions.

2                                   EXAMINATION

3     BY MS. KLEIN:

4             Q.     So you understand that you're  
5     still under oath?

6             A.     I do.

7             Q.     Okay. So you know me, I am your  
8     lawyer in this case. I'm going to go through  
9     and ask you a few questions about a couple  
10    things you were just asked about.

11            A.     Okay.

12            Q.     So can you describe to me the  
13    relationship between members of Common Cause  
14    North Carolina and the membership of, you know,  
15    Common Cause National?

16            A.     Technically, everyone is a member  
17    of Common Cause, and in that we're a chapter of  
18    the National branch, we do have, you know,  
19    members that we claim as North Carolina members  
20    because of their actions and activities with  
21    us, but everybody's a member of Common Cause.

22            Q.     And when you say everybody's a  
23    member of Common Cause, do you mean everybody  
24    in Common Cause North Carolina is a member of  
25    National?

1           Q.    Is it fair to say that if somebody  
2   has a consistent voting record, they are likely  
3   to vote again in the future?

4           A.    Yes.

5                   MS. PROUTY:  Objection.

6   BY MS. KLEIN:

7           Q.    Do you have any -- in your work in  
8   your 20-plus years with Common Cause, do you  
9   have any concept of whether Common Cause  
10  members specifically are more likely to vote in  
11  a particular election?

12                   MS. PROUTY:  Objection.

13           A.    What do I --

14  BY MS. KLEIN:

15           Q.    You can still answer.

16           A.    Yeah.  I would be hard-pressed to  
17  say that any Common Cause member that we have  
18  engaged with is not on active consistent voter  
19  in every election.

20           Q.    Why is that?

21           A.    Because, again, they care about  
22  the issues that we are promoting.  And it's all  
23  connected, obviously, to who is representing us  
24  in the legislature or in congress.  So these  
25  are as active as members of a democracy as we

1 have in North Carolina.

2 Q. When you earlier said you don't  
3 provide memberships outside of Common Cause,  
4 when you said Common Cause, were you including  
5 folks -- were you or were you not including  
6 folks like Common Cause's attorneys that you  
7 have confidentiality agreements with?

8 A. Well, of course, that would be an  
9 exception, so we would be sharing that with our  
10 attorneys where we had that protection.

11 Q. And without disclosing the content  
12 of any discussions with attorneys, is that  
13 because, as a general matter, you're relying on  
14 your attorneys for the assertions of standing  
15 in this?

16 A. Yes, absolutely.

17 Q. So you're relying on your  
18 attorneys to provide the legal advice regarding  
19 standing, correct?

20 A. We are.

21 Q. You are not an attorney?

22 A. I am not an attorney.

23 Q. So you do not know the legal basis  
24 for standing as far as the case law or anything  
25 like that?

1           A.    I do not.  I do not have that  
2   understanding.

3           Q.    But you do know who your members  
4   are, correct?

5           A.    I do.

6           Q.    And you do know where they live,  
7   correct?

8           A.    That is correct.

9           Q.    And using public voting records,  
10   you can verify that they are active voters in a  
11   particular district?

12          A.    Absolutely.  Yes.

13          Q.    Okay.  All right.  We can take --  
14   I'll take this down.

15                Going back -- you were asked  
16   questions about whether you had talked to  
17   specific members about the possibility of being  
18   deposed, and you said something like that was  
19   not even on the table.  Do you remember that?

20          A.    I do.

21          Q.    What impact do you think it would  
22   have to your members by even bringing up the  
23   possibility that if Common Cause challenged the  
24   law that any one of their members could be then  
25   deposed?



1 MS. PROUTY: Objection.

2 A. I think it would be very harmful  
3 to our organization. We have a variety of  
4 members, and many of these folks are very  
5 committed to our issues, but it's different  
6 from being someone that -- saying public, has a  
7 public persona. And I have a strong belief  
8 that many people would lessen their engagement  
9 with Common Cause and the kinds of things we do  
10 and perhaps even say we can no longer be a  
11 member, we are not going to continue to support  
12 you financially because of that.

13 Q. What kind of impact would it have  
14 on perhaps some of your working or young  
15 members to be called for a deposition in a  
16 litigation like this?

17 MS. PROUTY: Objection.

18 A. A lot of -- it's a big burden to  
19 carry, particularly for someone working and  
20 young who is balancing their lives. And this  
21 is something they believe in, they're a part of  
22 us, and they support the litigation, but then  
23 to kind of being on the front lines and having  
24 to prepare and take the time and just given the  
25 fact that doing, you know, all of this would be

1 a tremendous burden on, and particularly young  
2 people.

3 BY MS. KLEIN:

4 Q. And what -- how do you get that  
5 sense?

6 A. Well, just understanding that some  
7 of the members that we have are super engaged  
8 and super active and they have the time and  
9 they have the sort of know-how and they put a  
10 lot of commitment of their lives, you know, to  
11 be an active member because that's what they  
12 are being a, you know, strong provider to  
13 improving our democracy.

14 It's not to say that younger folks  
15 and working folks are not as committed and  
16 dedicated, but they don't have the time and  
17 they don't have perhaps the experience of  
18 having that kind of exposure.

19 Q. And how many years have you been  
20 working with members in your role at Common  
21 Cause?

22 A. I mean, since I started the job.

23 Q. So if you had to ballpark guess  
24 how many members you have interacted with over  
25 that period of time, what would you --